

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of July 8, 2014 Meeting

Present: David DeAngelis-Chair, John Bart Vice Chair, Mark Enander, Lori Lyle, Stephen Kearns, Robert Oster, John Barr, Town Solicitor

Minutes

Motion made by Member Bart to accept the Clerk's Minutes as presented. Motion seconded by Member Oster. Motion carried by all present.

Correspondence

None

Applications:

Danny DeJesus, 17 Laurel Lane, Lincoln, RI – Application for Dimensional Variance seeking side and rear setback relief for the construction of a two car garage.

AP 29, Lot 243 Zoned: RL 9

This application represents a request for a Dimensional Variance to construct a two car garage to the end of an existing home. The applicant proposes to construct a two car garage addition along with

a handicapped bathroom/entrance to the right side of an existing single family home. The addition is proposed to be 32' wide x 26' deep. The property has some nonconforming setback issues that would need to be cleared up. The proposed addition is 12.5' from the north side property line in which 15' is required. Therefore the applicant would need 2.5' of north side relief for the proposed addition. The existing home is 9.11' from the side property line on the southeast corner in which 15' is required. Therefore the applicant would need 5.89' of side relief on the southeast corner of the existing home. The existing home is 9.74' from the side property line on the southwest corner in which 15' is required. Therefore the applicant would need 5.26' of side relief on the southwest corner of the existing home. The existing deck is 37' from the rear property line in which 40' is required. Therefore the applicant would need 3' of rear relief for the existing deck. The proposed plan meets the lot coverage limit.

Chairman read into the record standards that need to be met for a Dimensional Variance.

Member Bart was concerned about the application. The plan attached to the application is inaccurate as applicant used a measuring tape to measure setbacks –applicant should have hired a surveyor and obtained a Class 1 survey for accuracy. The Board needs accurate measurements in order to render a decision. Could applicant consider continuing the application and obtain a proper survey. Chairman addressed applicant stating the Board could hear the

application this evening but accuracy is an issue. Member Oster addressed the Board asking if they could hear all the testimony this evening and possibly continue the application to the August or September agenda. Applicant stated he would like to proceed with the application.

Applicant purchased the property in March and has a contractor and excavator ready. He informed the Board that he did hire a surveyor and the property was surveyed. When he purchased the property the realtor informed him there was adequate room on the property for a garage.

Member Bart asked if he could return with accurate plans showing the accurate distance from the lot line to the addition. Accurate numbers are a must in order to render a decision and would he consider continuing the application to the August agenda.

Russell Hervieux, Zoning Official addressed the Board stating the confusion is the plan is addressed to the previous owner of the property.

Applicant requested the application be continued to the August 5th agenda.

Motion made b Member Bart to continue the application to the August agenda. Motion seconded by Member Barr. Motion carried by all

present.

**Steven & Judith Giuliani, 9 Mills Drive, Johnston, RI – Application for Special Use Permit to add an accessory family dwelling unit to a new home under construction at 8 Winterberry Road, Lincoln, RI
AP 45, Lot 443 Zoned: RA 40**

This application represents a request for a Special Use Permit to add an accessory family dwelling unit (in-law apartment) to a new home being constructed. The applicant proposes to put an in-law apartment on the lower level of a new home to be built. The application did not explain who this apartment is for or the layout of the home. This property falls in the RA-40 zoning district. Accessory family dwelling units are allowed with a Special Use Permit in this district under section 260-9L. The owner would have to comply with the conditions of this section such as an annual affidavit, renewal of permit every five years, not renting and only for use by relative of owner.

Chairman read into the record standards that need to be met for a Special Use Permit.

Applicant wishes to construct a single family home with attached in-law apartment. Proposed accessory family dwelling will not change the appearance and there will be no exterior alterations.

There will be a separate entrance and will only be occupied by

relatives.

Chairman informed applicant they need to return every five years to renew the Special Use Permit.

Chairman read into the record Planning Board/Technical Review Committee recommendations:

Members of the Technical Review Committee reviewed the submitted application for a Special Use Permit to construct an accessory family dwelling unit to a new home under construction. The Planning Board recommends Approval of the request for a Special Use Permit. The applicant proposes to integrate the accessory family dwelling unit within the lower level of the proposed house. The Planning Board feels that the special use permit will not alter the general character of the surrounding area and will not impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Motion made by Chairman to approve the Special Use Permit stating:

- That the Special Use is specifically authorized under this Ordinance**
- That the Special Use meets all the criteria set forth in this Ordinance authorizing such special use**
- That the granting of the Special Use will not alter the general character of the surrounding area**
- That the granting of the Special Use will not impair the intent or**

purpose of this Ordinance nor the Lincoln Comprehensive Plan

Motion seconded by Member Bart. Motion carried by all present.

Julie & Steven Motta, 7 Eastward Drive, Lincoln, RI – Application for Dimensional Variance seeking side setback relief for the construction of an addition.

AP 43, Lot 89 Zoned: RS 20

Chairman read into the record standards that need to be met for a Dimensional Variance.

Applicant wishes to add a family room to the side of the home. There is a septic system at the rear of the property so side is best location. Addition will be 24' x 30' or 720 square feet. Exterior will match existing home. Submitted into the record as Exhibit #1 letter dated 7/6/14 from Robert and Jeanne Picket stating they have no objection to the proposed addition.

Chair read into the record Planning Board/ Technical Review Committee recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Denial of the application for a dimensional variance seeking side setback relief for the construction of an addition. According to the application and plans, the proposed addition will be

built in line with the existing house. However, the plan shows that the applicant has significant undeveloped area to the back of the house that would accommodate an addition and not require a variance. The Planning Board feels that the current site plan and application does not represent the least relief necessary, the application does not present a compelling reason for the need for such a large addition, and is not due to the unique characteristics of the subject land.

No opposition present.

Motion made by Chairman to grant the application seeking 5.5' east side relief/14.9' west side relief. He further stated:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.**
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.**
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**
- The relief requested is the least relief necessary.**
- The hardship amounts to more than a mere inconvenience.**

Motion seconded by Member Enander. Motion carried by all present.

Bank of America, 101 North Tryon Street, Charlotte, NC – Application for Special Use Permit for additional signage for new ATM installation for property located at 611 Smithfield Avenue, Lincoln, RI.

AP 6, Lot 439 Zoned: BL 05

Represented by: Matthew Welch, Design Engineer for Bank of America

This application represents a request for a Special Use Permit to add additional signage at an existing bank branch. The applicant proposes to construct a free standing ATM kiosk with signage. The proposal calls for (4) additional signs for a total of 30.9 square feet. This property currently does not have a SUP for the existing signage which is over and above the code. According to Town records, the property appears to have (3) existing signs totaling 103.63 square feet. If the Board were to approve this request I suggest we include the existing signage which would total 134.53 square feet for the property. The applicant should confirm the exact number and square footage of existing signs. This property is in the BL-0.5 zoning district. This SUP would be allowed under section 260-37 which limits businesses to one sign at a total of 64 square feet.

Chairman read into the record standards that need to be met for a Special Use Permit.

Applicant wants to add four additional signs to an existing 23,000

square foot building and the addition of another ATM. Site has two entrances and a driveway with an existing ATM. There would be two wall signs, one pylon sign and one ATM sign. Additional signs are for more improved circulation at the site. Existing ATM is attached to the building and new proposed ATM will be for walk up customers. Signage will be lit 24 hours and they will use internally light with no digital boards. Chairman

Russell Hervieux, Zoning Official informed the Board the house was built in the 1960s and is a non confirming use.

Chairman addressed applicant stating the zoning ordinance allows 64 square feet for signage. As of today's date signage is over that amount. In the past, the Board has granted signage relief with a condition that all signs on a lot be wrapped into one package.

Applicant willing to adhere with any conditions placed on approval.

Chairman read into the record Planning Board/Technical Review Committee recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Approval of this application for a Special Use Permit for the addition of 30.9 square feet of new signage. The applicant is proposing to add an additional ATM kiosk and associated elevated landscape island. The proposed signage will be installed onto the

new kiosk to match the existing building's signage. The Planning Board finds that the applicant presents a realistic site layout that meets the intent of the zoning ordinance and is the least relief needed. The Planning Board feels that granting the Special Use Permit will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

No opposition present.

Motion made by Member Enander to grant four (4) additional signs for a total of 30.9 square feet, including the existing signage which would total 134.53 square feet for the property with a condition that signage be allowed to be lit 24 hours for safety purposes. He further stated:

- That the Special Use is specifically authorized under this Ordinance**
- That the Special Use meets all the criteria set forth in this Ordinance authorizing such special use**
- That the granting of the Special Use will not alter the general character of the surrounding area**
- That the granting of the Special Use will not impair the intent or purpose of this Ordinance nor the Lincoln Comprehensive Plan**

Motion seconded by Member Bart. Motion carried by all present.

Motion made by Member Barr to adjourn the meeting. Motion seconded by Member Bart. Motion carried by all present.

Respectfully submitted,

Ghislaine D. Therien

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Recording Secretary